



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 23 मई, 1981/2 ज्युलै, 1903

हिमाचल प्रदेश सरकार

FOREST FARMING AND ENVIRONMENTAL CONSERVATION DEPARTMENT

ORDERS

Simla-2, the 23rd April, 1981

No. 15-4/71.SF-II.—Whereas order No. 15-4/71-SF-II, dated 27-8-1980 issued under section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) hereinafter referred to as the said Act in respect of Kulu district was published in the Rajpatra, Himachal Pradesh dated 13-9-1980 after due enquiry under section 7 of the said Act;

And whereas the State Government is satisfied, after due enquiry, under section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of the said Act;

Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased

to substitute proviso two to clause 1 of para 2 of the above-mentioned notification No. 15-4/71-SF-II, dated 27-8-1980 by the following proviso:—

“Provided further that the owner may for their bonafide domestic and agriculture use fell upto 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned.”

Simla-2, the 23rd April, 1981

No. 15-4/71-SF-II.—Whereas order No. 15-4/71-SF-II, dated 27-8-1980 issued under section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) hereinafter referred to as the said Act in respect of Hamirpur district was published in the Rajpatra, Himachal Pradesh dated 13-9-1980 after due enquiry under section 7 of the said Act;

And whereas the State Government is satisfied, after due enquiry, under section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose giving to the provisions of the said Act;

¶ Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to substitute proviso two to clause 1 of para 2 of the above-mentioned notification No. 15-4/71-SF-II, dated 27-8-1980 by the following proviso:—

“Provided further that the owner may for their bonafide domestic and agriculture use fell upto 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned.”

Simla-2, the 23rd April, 1981

No. 15-4/71-SF-II.—Whereas order No. 15-4/71-SF-II, dated 27-8-1980 issued under section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) hereinafter referred to as the said Act in respect of Sirmur district was published in the Rajpatra, Himachal Pradesh dated 13-9-1980 after due enquiry under section 7 of the said Act;

And whereas the State Government is satisfied, after due enquiry, under section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of the said Act;

Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to substitute proviso two to clause 1 of para 2 of the above-mentioned notification No. 125-4/71-SF-II, dated 27-8-1980 by the following proviso:—

“Provided further that the owner may for their bonafide domestic and agriculture use fell up 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned.”

Simla-2, the 23rd April, 1981

No. 15-4/71-SF-II.—Whereas order No. 15-4/71-SF-II, dated 25-2-1981 issued under section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) hereinafter referred to as the said Act in respect of Kinnaur district was published in the Rajpatra, Himachal Pradesh dated 12-3-1981 after due enquiry under section 7 of the said Act;

And whereas the State Government is satisfied, after due enquiry, under section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of the said Act.

Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to substitute proviso two to clause 1 of para 2 of the above-mentioned notification No.15-4/71-SF-II, dated 25-2-1981 by the following proviso:—

“Provided further that the owner may for their bonafide domestic and agricultural use fell upto 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned.”

Simla-2, the 23rd April, 1981

No. 15-4/71-SF-II.—Whereas order No.15-4/71-SF-II, dated-27-8-1980 issued under section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978), hereinafter referred to as the said Act in respect of Bilaspur district was published in the Rajpatra, Himachal Pradesh dated 13-9-1980 after due enquiry under section 7 of the said Act;

And whereas the State Government is satisfied, after due enquiry, under section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of the said Act.

Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to substitute proviso two to clause 1 of para 2 of the above-mentioned notification No. 15-4/71-SF-II, dated 27-8-1980 by the following proviso:—

“Provided further that the owner may for their bonafide domestic and agricultural use fell upto 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned.”

Simla-2, the 23rd April, 1981

No. 15-4/71-SF-II.—Whereas order No.15-4/71-SF-II, dated 27-8-1980 issued under section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) hereinafter referred to as the said Act in respect of Chamba district was published in the Rajpatra Himachal Pradesh dated 13-9-1980 after due enquiry under section 7 of the said Act;

And whereas the State Government is satisfied, after due enquiry, under section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of the said Act;

Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to substitute proviso two to clause of para 1 of the above-mentioned notification No. 15-4/71-SF-II, dated 27-8-1980 by the following proviso:—

“Provided further that the owner may for their bonafide domestic and agricultural use fell upto 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned.”

Simla-2, the 23rd April, 1981

No. 15-4/71-SF-II.—Whereas order No.15-4/71-SF-II, dated 27-8-1980 issued under section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) hereinafter referred to as the said Act in respect of Mandi district was published in the Rajpatra, Himachal Pradesh dated 13-9-1980 after due enquiry under section 7 of the said Act;

And whereas the State Government is satisfied, after due enquiry, under section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of the said Act;

Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred⁴ by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to substitute proviso two to clause 1 of para 2 of the above-mentioned notification No. 15-4/71-SF-II, dated 27-8-1980 by the following proviso:—

“Provided further that the owner may for their bonafide domestic and agricultural use fell upto 5 trees each years with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned.”

Simla-2, the 23rd April, 1981

No. 15-4/71-SF-II.—Whereas order No.15-4/71-SF-II, dated 27-8-1980 issued under section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) hereinafter referred to as the said Act in respect of Una district was published in the Rajpatra, Himachal Pradesh dated 13-9-1980 after due enquiry under section 7 of the said Act;

And whereas the State Government is satisfied, after due enquiry, under section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of the said Act.

Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978), is pleased to substitute proviso two to clause 1 of para 2 of the above-mentioned notification No. 15-4/71-SF-II, dated 27-8-1980 by the following proviso:—

“Provided further that the owner may for their bonafide domestic and agricultural use fell upto 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned.”

Simla-2, the 23rd April, 1981

No. 15-4/71-SF-II.—Whereas order No. 15-4/71-SF-II, dated 27-8-1980 issued under section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) hereinafter referred to as the said Act in respect of Simla district was published in the Rajpatra, Himachal Pradesh dated 13-9-1980 after due enquiry under section 7 of the said Act;

And whereas the State Government is satisfied, after due enquiry, under section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of the said Act;

Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to substitute proviso two to clause 1 of para 2 of the above-mentioned notification No. 15-4/71-SF-II, dated-27-8-1980 by the following proviso:—

“Provided further that the owner may for their bonafide domestic and agriculture use fell upto 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned.”

Simla-2, the 23rd April, 1981

No. 15-4/71-SF-II.—Wh ereas order No.15-4/71-SF-II, dated 27-8-1980 issued under section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) herein after referred

to as the said Act in respect of Solan district was published in the Rajpatra, Himachal Pradesh dated 13-9-1980 after due enquiry under section 7 of the said Act;

And whereas the State Government is satisfied, after due enquiry, under section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of the said Act.

Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to substitute proviso two to clause 1 of para 2 of the above-mentioned notification No.15-4/71-SF-II, dated 27-8-1980 by the following proviso:—

“Provided further that the owner may for their bonafide domestic and agriculture use fell upto 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned”.

Sd/-
Secretary.

OFFICE OF THE DISTRICT MAGISTRATE, SIMLA DISTRICT

NOTIFICATION

Simla-1, the 24th April, 1981

No. IV-SML-448(Misc.)/72-1322.—Whereas the City Magistrate after conducting an enquiry into a complaint received in this office has reported that there is an imminent danger of the retaining wall giving away on the road leading to Fingask Estate due to vehicular traffic on it;

And whereas it is necessary in the interest of public safety to restrict the use of vehicular traffic on this road;

Therefore, in exercise of the powers vested in me under section 74 of Motor Vehicle Act, 1939, I, Mohindra Lal, District Magistrate, Simla hereby prohibit plying of heavy as well as light vehicular traffic on road leading to Fingask Estate from a point on the main road leading to Kaithu from behind the State Bank of India with immediate effect.

MOHINDRA LAL,
District Magistrate, Simla.

DIRECTORATE OF CONSOLIDATION OF HOLDINGS, HIMACHAL PRADESH

NOTIFICATION

Simla-2, the 22nd April, 1981

No. Rev.CH(P.)14(1)-50/81-3289-3308.—In the interest of general public and for the purpose of better cultivation of land, I, Dhani Ram, Director, Consolidation of Holdings, Himachal Pradesh in exercise of the powers under sub-section (1) and (2) of section 14 of the Himachal Pradesh Holdings (Consolidation and Prevention of Fragmentation Act, 1971), as delegated to me vide notification No. 9-1/73-Rev.II, dated the 4th May, 1977 hereby declare the intention of the Himachal Pradesh Government to make the scheme for Consolidation of Holdings for the under-mentioned estates:—

Sl.No.	Name of village	H.B. No.	Total area in acres	Tehsil	District
1	2	3	4	5	6
1.	Darkohal	500	127	Sarkaghat	Mandi
2.	Plasi	501	50	-do-	-do-

1	2	3	4	5	6
3.	Khanot	490	280	Sarkaghat	Mandi
4.	Harlian	493	128	-do-	-do-
5.	Manwana	491	163	-do-	-do-
6.	Baldawara	478	170	-do-	-do-
7.	Karni	495	155	-do-	-do-
8.	Matokhar	508	118	-do-	-do-
9.	Math	504	33	-do-	-do-
10.	Nichla Jehmait	505	108	-do-	-do-
11.	Dhaboi	509	163	-do-	-do-
12.	Thana	535	140	-do-	-do-
13.	Kunehla	540	160	-do-	-do-
14.	Jaimat Uparla	541	203	-do-	-do-
15.	Ram Thana	533	240	-do-	-do-
16.	Kalehri	534	115	-do-	-do-
17.	Bhadarwana	536	80	-do-	-do-
18.	Rehri	537	88	-do-	-do-
19.	Damron	538	228	-do-	-do-
20.	Dhasmaila	539	353	-do-	-do-
21.	Khalyana	542	105	-do-	-do-
22.	Wahnu	513	318	-do-	-do-
23.	Nahar Singh	117	297	Nalagarh	Solan
24.	Mandiarapur	118	337	-do-	-do-
25.	Lakhanpur	114	1224	-do-	-do-
26.	Jhiran	113	1062	-do-	-do-
27.	Phalahi	7	375	-do-	-do-
28.	Kotla Kalan	8	786	-do-	-do-
29.	Rampur	5	190	-do-	-do-
30.	Rakh Rampur	6	168	-do-	-do-
31.	Taliwala	105	184	-do-	-do-
32.	Touranwala	108	155	-do-	-do-
33.	Kahanani	214	409	-do-	-do-
34.	Baila	215	411	-do-	-do-
35.	Ukhu	136	502	-do-	-do-
36.	Dohri	134	110	-do-	-do-
37.	Baddal	133	152	-do-	-do-
38.	Thana Kalan/Tira	7	2735	Bangana	Una
39.	Ghugan Kakrana/Tihra	7	888	-do-	-do-
40.	Chhaproh Kalan/Tihra	7	333	-do-	-do-
41.	Chaaproh Khurd/Tira	7	49	-do-	-do-
42.	Talehra Sanhal/Tihra	7	629	-do-	-do-
43.	Sarsauli/Kotla	8	207	-do-	-do-
44.	Sohrala Jhikla/Kotla	8	112	-do-	-do-
45.	Sohrala Uparla/Kotla	8	68	-do-	-do-
46.	Sohari/Kotla	8	118	-do-	-do-
47.	Jalgaon/Heru	9	135	-do-	-do-
48.	Nalut/Heru	9	198	-do-	-do-
49.	Banjal/Heru	9	250	-do-	-do-
50.	Rajli Banyalan/Heru	9	95	-do-	-do-
51.	Rajli Jatan/Heru	9	98	-do-	-do-
52.	Alyana/Heru	9	83	-do-	-do-
53.	Balyara/Heru	9	132	-do-	-do-
54.	Jarol/Heru	9	13	-do-	-do-

1	2	3	4	5	6
55. Harsa Lathan/Chauki Maniar		1	91	Bangana	Una
56. Bhadori/Bhadori		468	704	Una	-do-
57. Kangar		462	901	-do-	-do-
58. Sansowal		464	592	-do-	-do-
59. Dharampur		463	1321	-do-	-do-

Sd/-
Director.

FOOD AND SUPPLIES DEPARTMENT NOTIFICATIONS

Simla, the 14th April, 1981

No. FDS. A(3)15/80.—In pursuance of clause 23(1) of the Himachal Pradesh Trade Articles (Licensing and Control Order, 1981) the Governor, Himachal Pradesh is pleased to authorize all the Executive Magistrates, District Inspector, Food and Supplies, Inspector, Food and Supplies, and Sub-Inspector Food and Supplies to exercise all the powers of paragraph(a) to (e) of sub-clause (1) of clause 23 of the aforesaid order within their respective territorial jurisdictions.

Simla, the 14th April, 1981

No. FDS. A(3)15/80.—Whereas the Governor of Himachal Pradesh is of the opinion that it is necessary so to do for maintenance and increase of supplies and for securing the equitable distribution and availability of trade articles or things specified in the schedule I at fair prices;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with Government of India, Ministry of Agriculture and Irrigation (Department of Food) published under G.S.R. No. 800, dated 9th June, 1978 and all other powers enabling him in this behalf, the Governor of Himachal Pradesh is pleased to make the following order namely:—

THE HIMACHAL PRADESH TRADE ARTICLES (LICENSING AND CONTROL) ORDER, 1981

PART I

PRELIMINARY

1. Short title, extent and Commencement.—(i) This order may be called the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981.

(ii) It extends to the whole of the State of Himachal Pradesh.

(iii) It shall come into force from the date of publication in the Official Gazette.

2. Definition.—In this Order, unless the context otherwise requires:—

(a) “*dealer*” means a person, a firm, an association of persons or a co-operative society engaged in the business of purchase, sale or storage for sale of any trade article whether or

not in conjunction with any other business and includes his representative or agent but does not include;

- (i) a person who holds or is in possession or agriculture land under any tenure or any capacity and on which he raises or has raised crop of foodgrains, oilseeds or whole pulses;
- (ii) a manufacturer of sugar, gur and khandsari;
- (iii) a producer of pulses and edible oils;
- (b) "director" means the Director Food and Supplies Himachal Pradesh;
- (c) "edible oils" means any one or more of the edible oils specified in Part D of Schedule I;
- (d) "Foodgrains" means any one or more of the foodgrains as specified in Part "A" of Schedule I and includes products of such foodgrains other than husk and bran;
- (e) "form" means a form appended to this Order;
- (f) "Gur" means the articles known as gur, gail jaggery, shakkar, rab and other intermediary products prepared by boiling sugarcane juice with or without admixture of molasses, which is identifiable by the following chemical characteristics namely:—
 - (i) total sugars (Sucrose plus reducing sugar) as percentage of dissolved solids ranging from 70.0 to 95.0; and
 - (ii) ash (sulphated) as percentage of dissolved solids ranging from 1.5 to 5.0; and includes a solution of any of the aforesaid articles in water;
- (g) "khandsari" means sugar produced by open pan process;
- (h) "licensing authority" means the District Food and Supplies Controller of the District concerned or such other officer appointed by the Director to exercise the powers and perform the duties of the Licensing Authority;
- (i) "Oilseeds" means any one or more of the oilseeds as specified in Part C of the Schedule I;
- (j) "producer" means a person carrying on the business of milling any of the pulses or expelling extracting or manufacturing or refining any edible oil:—
 - (i) by buying pulses or oilseeds for being processed by himself and selling the finished products to a wholesaler or through a Commission Agent; or
 - (ii) by doing any of the processes of milling, expelling, extracting or manufacturing or refining on behalf of another;
- (k) "pulses" means any one or more of the pulses as specified in Part "B" of Schedule I, whether whole or split or with or without husk and includes products thereof other than husk and bran;
- (l) "schedule" means a schedule appended to this Order;
- (m) "State Government" means the Government of the State of Himachal Pradesh;
- (n) "sugar" means any form of sugar containing more than 90% of sucrose; and
- (o) "trade article" means any commodity mentioned in Schedule I;

PART II

LICENSING OF DEALERS

3. *Licensing of Dealers.*—(i) No dealer shall, after the commencement of this order, carry on business of purchase, sale or storage for sale of any of the trade article mentioned in Schedule I except under and in accordance with the terms and conditions of a licence issued in this behalf by the Licensing Authority under the provisions of this Order:

Provided that no licence shall be required for a dealer who stores for sale or sells at any one time the trade articles in quantities not exceeding the limits as may be prescribed by the State Government for any trade article from time to time;

Provided further that a dealer holding a valid licence of trade articles under the various Licensing Orders mentioned in Schedule III may obtain a licence for the same trade articles under this order within 30 days of the commencement of this order. His existing licence shall be deemed to be a licence issued to him as a dealer under this Order upto the said day or within such further extended time as the Licensing Authority may specify, with the permission of the Director, but such period shall not exceed 60 days in any case;

(2) For the purposes of this clause, any person who stores any trade article at any one time in quantities exceeding the limits prescribed in sub-clause (1) shall, unless the contrary is proved by him, be deemed to be carrying on business as a dealer and to store the same for the purpose of sale.

4. Issue of Licence (1) Every—

- (a) application for the grant of a licence shall be made to the Licensing Authority in form A along with the prescribed fees;
- (b) licence issued under this Order shall be in form “C” and subject to the terms and conditions mentioned therein;
- (c) Licensing Authority shall keep a duplicate copy of the licence in form “C”;
- (d) Licence shall be valid upto 31st December, of calendar year; and
- (e) if a licence granted under this Order is defaced, lost or destroyed, the licensee shall forthwith inform the Licensing Authority who may, on application and on the payment of prescribed fee by the licensee, issue a duplicate licence.

(2) A dealer may obtain a licence or any one or more trade articles mentioned in Schedule-I;

(3) A separate licence shall be necessary for each place of business.

5. *Renewal of licence.*—(1) An application for renewal of licence in form ‘B’ shall be made along with the fee determined under clause 6 to the Licensing Authority before the expiry of the licence:

Provided that Licensing Authority may entertain an application upto 31st March, upon the Payment of late fee as specified below:—

- (i) For the first fortnight.. Rs. 5.
- (ii) For the second fortnight.. Rs. 10.
- (iii) For each subsequent fortnight—Rs. 20:

Provided further that it shall not be necessary for the licensee to send the licence (in original) to the Licensing Authority for renewal and the licensing authority shall deliver or convey the renewal of the licence in form ‘C’:

Provided that if the licence is not got renewed within 3 months after the expiry of the validity of licence i.e. upto 31st March, of the year the same shall stand cancelled and the security shall also stand forfeited to the Government. This cancellation of licence and forfeiture of security does not in any way affect the right of the dealer to obtain a new licence after deposit of the usual licence fee:

Provided further that if the licensee discontinues his business during the validity of the licence he shall have to surrender his licence to the Licensing Authority to claim the refund of the security deposit.

(2) The licence may be renewed for a period upto 3 years at a time on deposit of the prescribed fees for the relevant years by the licensee.

6. *Fee chargeable.*—(1) The fees chargeable in respect of the issue of a licence, renewal and issue of a duplicate licence shall be as under:—

(a) for issue of a licence	.. Rs.15
(b) for renewal of a licence	.. Rs. 10
(c) For issue of duplicate licence	.. Rs. 20

(2) *Mode of payment of licence fee.*—The prescribed fee for the issue, renewal and issue of a duplicate licence may be deposited in any of the following manner:—

- (a) By cash deposit in the office of the licensing authority against proper receipt.
- (b) By remittance through money order.
- (c) By deposit in any of the Government Treasury/Sub-Treasury/State Bank of India.
- (d) By remittance through the Indian Postal Orders.
- (e) By any other manner notified by the Director.

(3) The Licensing Authority shall maintain proper account of the fees so deposited by the licensee.

7. *Deposit of security.*—Every dealer applying for a licence shall, before such licence is issued to him, deposit the security with the Licensing Authority the sum specified in Schedule II in cash or in any other manner as may be specified by the Licensing Authority subject to any directions issued in this behalf by the State Government for the due performance of the terms and conditions of the License issued to him.

8. *Power to refuse licence.*—(1) The Licensing Authority may, after giving the person affected an opportunity of being heard, and for reasons to be recorded by him in writing refuse to grant or renew a licence.

(2) The Licensing Authority may also refuse to grant a licence for a particular trade article, if—

(a) a licence has already been issued to another dealer at the same place of business for the trade articles for which the applicant has applied for.

9. *Addition and Alteration to Licence.*—The Licensing Authority may make additions, deletions and alterations in the entries made in the licence relating to godown, place of business, name of partners on the application of the licensee.

10. *Contravention of conditions of licence.*—No holder of licence issued under this order or his agent or any other person acting on his behalf shall contravene any of the terms and conditions of the licence.

11. *Suspension and cancellation of licence.*—(1) If any licensee or his agent or servant or any other person acting on his behalf contravenes any of the terms and conditions of the licence, then without prejudice to any other action that may be taken against him under the Essential Commodities Act, 1955 (Central Act 10 of 1955) his licence may be cancelled or suspended by an order in writing of the Licensing Authority and entry will be made in his licence relating to such suspension or cancellation.

(2) No order of cancellation shall be made under this clause unless the Licensee has been given a reasonable opportunity of stating his case against the proposed cancellation but during the pendency or in contemplation of proceedings of cancellation of licence, the licence can be suspended for a period [not exceeding 30 days without giving any opportunity to the Licensee of stating his case.

12. Disposal of trade articles when licence is suspended or cancelled.—When a licence issued under this Order is cancelled or suspended, the stocks of trade articles available with the dealer at the time of such cancellation or suspension, shall be disposed of by him within 15 days from the date of receipt of the Order of cancellation or suspension.

13. Consequences of conviction.—Where a licensee has been convicted by a Court of Law for the contravention of any Order made under section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) the Licensing Authority shall, by order in writing cancel his licence after decision of first appeal if preferred or after the expiry of period of limitation.

14. Forfeiture of Security.—(1) Without prejudice to the provisions of clause 11, if the Licensing Authority is satisfied that the licensee has contravened any of the terms and conditions of the licence and that a forfeiture of the security deposit is called for, it may, after giving the licensee a reasonable opportunity of stating his case, by order, forfeit the whole or any part of the security deposited by him and communicate a copy of the order to the licensee.

(2) The licensee shall, if the amount of security at any time falls short of the amount specified in Schedule II of Clause 7, forthwith deposit, on being required by the Licensing Authority to do so, further security to make up the deficiency.

(3) Upon due compliance by the licensee of all obligations under the licence, the amount of security or such part thereof which is not forfeited as aforesaid, shall be refunded to the licensee after the termination of the licence.

15. The licensee shall not either by himself or by any person on his behalf store or have in possession at any time any trade article mentioned in Schedule I in quantity exceeding the limits fixed:

- (i) under an Order issued by the Central Government; or
- (ii) by the State Government with prior concurrence of the Central Government by issuing a Notification in Official Gazette.

16. Returns.—Every licensee shall furnish a return in form 'D' to the Licensing Authority or any other officer authorized by the Licensing Authority and in such manner or for such period as may be specified by the Licensing Authority from time to time:

Provided that the onus of having sent any periodical return/information shall be upon the licensee.

PART III

MISCELLANEOUS

17. Power to call information Issue directions.—Every licensee shall, when so required by general or special direction of Licensing Authority, furnish truthfully and to the best of his knowledge such particulars or information relating to any trade article, as may be required. The Licensing Authority may issue directions to any licensee with regard to purchase, sale, disposal and storage of all or any of the trade article.

18. Power to amend schedules.—The State Government, may, by an order notified in the Official Gazette, add to or omit from the Schedules, any trade article and there-upon the Schedules shall be, deemed to have been amended accordingly.

19. The Director shall have all the powers of the Licensing Authority in addition to the power specified in this order.

20. Appeal.—(1) Any person aggrieved by an order made by the Licensing Authority may appeal to the Director within 30 days from the date of the receipt of the order appealed against by the appellant:

Provided that the Director may transfer an appeal for disposal to:—

- (a) any Deputy Director Food and Supplies, Himachal Pradesh, if the Order appealed against has been made by the District Food and Supplies Controller;
- (b) the Joint Director Food and Supplies, Himachal Pradesh, if the original order has been made by the Deputy Director, Food and Supplies, Himachal Pradesh.

(2) No order which adversely affects any person shall be passed under this Clause unless such person has been given a reasonable opportunity of being heard.

(3) Pending disposal of the appeal, the appellate authority may direct that the order against which the appeal is made shall not take effect until the appeal is disposed of.

21. Review.—On the application from the aggrieved party, the Director may review his own orders passed while exercising the powers of Licensing Authority conferred upon him under the provisions of this order.

22. Revision.—The Director, *sou-moto* or on an application, may call for the record of any case, decided by the Licensing Authority under the provisions of this order and if he is satisfied that the Licensing Authority—

- (a) has exercised a jurisdiction not vested in it, or
- (b) has exercised the jurisdiction vested in it, with material irregularity, or
- (c) has improperly failed to exercise the jurisdiction vested in it, he may pass such order as he thinks fit.

23. Power of entry, search and seizure etc.—(1) The Licensing Authority or any other officer in below the rank of Sub-Inspector authorized by the State Government in this behalf, within his jurisdiction, may with a view to securing the compliance of this order or to satisfy himself that this order has been complied with, such assistance, if any, as he thinks fit—

- (a) require, the owner, occupier or any other person in charge of any place, premises, vehicle or vessel in which he has a reason to believe that any contravention of the provisions of this order has been or is being or is about to be made, to produce any books of accounts of documents showing transactions relating to such contravention;
- (b) enter, inspect or break open and search any place or premises, vehicle in which he has reason to believe that any contravention of the provisions of this order has been, is being or is about to be made;
- (c) seize any books of accounts and documents which in his opinion may be useful for, or relevant to, any proceedings under the Essential Commodities Act, 1955 (Central Act 10 of 1955) and the person from whose custody such books of accounts or documents are seized shall be entitled to make copies thereof or to take extracts there from in the presence of an officer having the custody of such books of accounts or documents;
- (d) search, seize and remove stocks of trade articles along with the package, covering or receptacles in which such stock is found, if he has reasons to believe that any provision of this order has been or is being or is about to be contravened in respect of such stock or any part thereof and may also search, seize and remove the animals, vehicles, vessels or other conveyance used in carrying the said trade article in contravention of the provisions of this order and thereafter take or authorize the taking of all measures necessary for securing the production of stocks of trade articles and the animals, vehicles,

vessels, or other conveyance so seized before the District Magistrate and for their safe custody pending such production; and

(e) for the purpose of such inspection etc. ask any person all necessary questions.

(2) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) relating to search and seizure shall so far as may be, apply to searches and seizures under this clause.

24. Exemption—(1) The State Government may, by general or special order, and subject to such conditions or restrictions as may be specified in such order, exempt any person or class of persons or firm or association of persons or any Co-operative Society from the operation of all or any of the provisions of this order and may at any time suspend or rescind such exemption.

(2) Nothing in this order shall apply to the purchase, sale or storage for sale of trade articles on behalf of—

(i) the Central Government; or

(ii) the State Government; or

(iii) the officers, departments, institutions or other organizations of the State Government or such agencies as may be approved by the State Government.

25. Repeal and Savings.—(1) From the date of commencement of this order, the orders mentioned in Schedule III shall stand repealed and the provisions of this order shall have effect notwithstanding anything to the contrary contained in the orders repealed by this sub-clause.

(2) The repeal of the orders referred to in sub-clause (1) shall not effect anything done or omitted to be done or any action taken under the orders so repealed and the provisions contained in the Himachal Pradesh General Clauses Act, 1968 shall apply to such repeal as they apply to the repeal of any Himachal Pradesh Act.

By order,
S. M. KANWAR,
Commissioner-cum-Secretary.

SCHEDULE I

PART A" (FOODGRAINS)

(See Clause 2)

1. Wheat
2. Barley.
3. Bajra.
4. Jowar.
5. Maize.
6. Rice.
7. Paddy.
8. Minor millets (e.g. Ragi. Koda).
9. Milo.
10. Sorghum.
11. Mixture of foodgrains (Gujji, Bejhar etc).

PART 'B' (PULSES)

1. Urad.
2. Moong.
3. Arhar.
4. Masoor.
5. Moth.
6. Lobia.
7. Rajmaha.
8. Gram.
9. Peas.
10. Any other dal.

PART 'C' (OILSEEDS)

1. Mustard.
2. Til.
3. Groundnut.
4. Taramira.
5. Alsi.
6. Raida.
7. Imported oilseeds.

PART 'D' (EDIBLE OILS)

1. Mustard oil.
2. Til oil.
3. Groundnut oil.
4. Taramira oil.
5. Alsi oil.
6. Raida oil.
7. Hydrogenated Vegetable oil.
8. Imported Edible oils.

PART "E" (OTHER ARTICLES)

- *1. Suger.
2. Gur and khandsari.

SCHEDULE II

(See Clause 7)

1. For those Licensees who deal in all the trade articles included in Sched- ule I or more than one part of trade of Schedule I	Amount of Security Rs. 1000/-
2. For those who deal in Foodgrains only.	
(a) If annual sale of foodgrains exceeds 2400 quintals.	Rs. 500/-
(b) If annual sale is less than 2400 quintals but more than 1200 quintals.	Rs. 300/-
(c) If annual sale is more than 300 quintals but less than 1200 quintals.	Rs. 200/-
(d) If annual sale is less than 300 quintals.	Rs. 100/-
3. For those who deal in trade articles mentioned in Part B,C,D of Schedule-1	
(a) If the annual sale does not exceed 150 quintals.	Rs 200/-
(b) If the annual sale exceeds 150 quintals.	Rs 500/-
4. For those who deal in Sugar/Khandsari Gur.	
(a) if the annual sale exceeds 250 quintals	Rs 500/-
(b) if the annual sale does not exceed 250 quintals.	Rs 200/-

SCHEDULE III

(See Clause (25))

1. The Himachal Pradesh Foodgrains Dealers Licensing Order, 1968.
2. The Himachal Pradesh Wheat Dealers Licensing and Price Control Order, 1973.
3. The Himachal Pradesh Pulses, Edible Oils Seeds and Edible Oils Dealers (Storage and licensing Control Order, 1978.
4. The Himachal Pradesh Sugar Dealers Licensing Order, 1967.
5. The Himachal Pradesh Khandsari and Gur Dealers Licensing Order, 1967.

FORM A

[See Clause 4 (1) (a)]

APPLICATION FOR GRANT OF LICENCE

To

The Licensing Authority.

.....
.....

Sir,

I hereby apply for the grant of a Licence under the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981. The required particulars are given hereunder:—

1. Applicant's particulars.....

Name.....S/o.....Age.....

Caste.....

2. Residential address of applicant:

(a) House No.....(b) Mohalla.....

(c) Village/Town.....(d) Tehsil.....

3. Name/Style in which licence is required.....

4. Situation of applicant's place of business.....

(a) House/Shop No.....(b) Mohalla/Market

(c) Village/Town.....(d) Tehsil.....

5. Name of partners, if any of the Firm:

(1) Shri.....S/o.....Age.....Caste.....

(2) Shri.....S/o.....Age.....Caste.....

(3) Shri.....S/o.....Age.....Caste.....

6. Particulars of trade articles in which the applicant wants to carry on business:

1.

2.

3.

4.

7. Did the applicant previously hold a Licence of the trade articles for which licence has now been applied for? if so, give details:—

- (i) Name of the trade articles.....
- (ii) Licence No.....
- (iii) Amount of Security deposited with Challan No and date.....

8. Does the applicant want to get the security mentioned at item No. 7 above adjusted towards the Security of the licence now applied for, if so, give its Challan No. date and amount?

9. How long has the applicant been trading in the trade articles for which the licence has been applied for?

10. Particulars regarding stocks of trade articles in possession on the date of application.

11. Complete address (with house No., Mohalla etc.) of godowns or place where trade articles for which licence has been applied will be stored:—

- 1.
- 2.
- 3.
- 4.

12. Has the applicant ever been convicted by a Court of Law for contravention of any order issued under Essential Commodities Act, 1955 during last 3 years ?

13. Particulars of suspension or cancellation of the licence held by the applicant during last 3 years.

14. Whether the applicant was declared or adjudged as an insolvent by a Court ?

15. Whether the applicant is a lunatic or of unsound mind.

I..... declare that the particulars mentioned at item No. 1 to 15 above are true to the best of my knowledge and belief and nothing has been concealed therein.

I have carefully read the provisions of the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981 and I agree to abide by them.

Place.....

Date.....—.....

Signature of Proprietor/Partner.

FORM B

(See Clause 5)

Application for renewal of licence No.....

To

The Licensing Authority

.....
.....

Sir,

I hereby apply for renewal of my Licence No. issued to me under the Himachal Trade Articles (Licensing and Control) Order, 1981. The required particulars are given below:—

1. Date on which the licence expires.....
2. Name in which the licence stands.....
3. For how many years the renewal is desired.....
4. Details of the action, if any, taken against the licensee during the last three years for contravention of an order issued under the Essential Commodities Act, 1955.

I..... hereby declare that the particulars mentioned above are correct to the best of my knowledge and belief, and nothing has been concealed therein.

Singature of applicant.

Place.....

Date.....

FORM C

(See Clause 4 (1) (b))

THE HIMACHAL PRADESH TRADE ARTICLES (LICENSING AND CONTROL)
ORDER, 1981

LICENCE

- (i) Licence No.....
- (ii) Security deposited Rs..... vide Challan No. and date.....
- (iii) Name of dealer along with partners, if any:
 - (1)
 - (2)—.....
 - (3)

Terms and conditions.— (1) Subject to the provisions of the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981 and to the terms and conditions of this Licence, Mr M/s..... articles is/are hereby authorized to purchase, sell or store for sale the undermentioned trade

1.
2.
3.—.....
4.
5.

2. (a) The Licensee shall carry on the business of aforesaid trade articles at the following place:—
- (b) Trade articles in which the aforesaid business is to be carried on shall not be stored at any place other than the godowns mentioned below:—

1.
2.—.....
3.
4.
5.

Note.—If the licensee intends to store the trade articles in places other than those specified above, he shall give intimation in writing to the Licensing Authority within a period of 24 hours of actually storing of these trade articles therein. He shall also produce the licence before the Licensing Authority within a Fortnight of his giving intimation mentioned above, for the purpose of making requisite changes:

Provided that the stocks of trade articles held up in transit for more than 24 hours because of transportation difficulties or otherwise the licensee shall intimate to the Licensing Authority of the area concerned about the particulars of trade articles so held up along with reasons thereof with a copy to the Licensing Authority who has issued the Licence.

3. (a) The Licensee shall maintain a stock register or daily account in Form 'C' for the trade articles mentioned in Paragraph I showing correctly:—

- (i) The opening stock on each day;
- (ii) the quantities received on each day showing the place from where and the source from which received indicating Voucher No. and Date.
- (iii) the quantities delivered or otherwise removed on each day showing the places of destination, and
- (iv) the closing stock on each day.

Explanation:

- (a) The licensee may maintain more than one Stock Register for the various trade articles and may allot separate page(s) for each trade article.
- (b) The licensee shall complete the entries in the Stock Register for each day latest by the beginning of the transactions on the following day, unless prevented by reasonable cause, the burden of proving which shall lie upon him.
- (c) A licensee who himself is a producer of foodgrains, oilseeds or whole pulses, shall separately show the stock of his own produce in the Stock Register, if such stocks are stored in his business premises.

4. The licensee shall not contravene the provisions of this Order or any other Law relating to essential commodities for the time being in force.

5. The Licensee shall not:—

- (i) enter into any transaction involving purchase, sale or storage for sale of trade articles in a speculative manner prejudicial to the maintenance and easy availability of their supplies in the market.
Speculative manner includes stock held without proper voucher of purchase or sale.
- (ii) sell or offer to sell any trade article at a price higher than that specified or fixed in respect of such articles under any law for the time being in force.
- (iii) refuse to sell to any person any trade articles kept for sale at the price specified or fixed under any Law for the time being in force.
- (iv) keep in his possession stocks of trade articles exceeding the limits fixed under clause 13.

6. The licensee shall display a list of prices and stocks of the trade articles he deals in, in accordance with the provisions of Himachal Pradesh Commodities Price Marking and Display Order, 1977.

7. The Licensee shall issue to every customer of such trade articles a cash memo or invoice, as the case may be, giving his own name and Licence No. Name, Address Licence number (if any) of the customer, the date of transaction, the quantity sold and the price charged. He

whall keep a duplicate of the same to be available for inspection on demand by the Licensing Authority or any other officer authorized in this behalf :

Provided that it shall not be necessary for a retailer to issue any such cash memo or invoice or to keep any such duplicate in respect of sale of trade article costing not more than Rs. 25 unless demanded by the customer.

8. The Licensee shall furnish correctly such information relating to the business as may be demanded from him and shall carry out such instructions as may, from time to time, be given by the Licensing Authority.

9. The licensee shall give all facilities at all reasonable times to the inspecting authority for the inspection of his stocks and accounts at any shop, godowns or other places used by him for the storage, sale or purchase and for the taking of samples of the trade articles mentioned in Paragraph I for examination.

10. The Licensee shall comply with any direction that may be given to him by the State Government or the Director or the Licensing Authority with regard to the purchase, sale and storage for sale, of these trade articles and in regard to the language in which the registers, returns, receipts or invoices shall be written and in regard to the authentication and maintenance of the register mentioned in Paragraph 3 above.

11. The licensee shall, in case when he functions in a regulated market, abide by such instructions relating to his business as are given by the marketing authority having jurisdiction, and in any other case by such body as may be recognized by the State Government in this behalf.

12. Every Licensee shall take adequate measures to ensure that trade articles stored by him are maintained in proper condition and that damages to these articles due to ground moisture, rains, insects, rodents, birds, fire and such other causes are avoided. The Licensee shall also ensure that fertilizers insecticides and poisonous chemicals likely to contaminate such articles are not stored along with these articles in the same godowns or in immediate juxtaposition to the stocks of the trade articles.

13. The Licensee shall not sell or offer to sell any trade articles at a price higher than that fixed for that articles by the competent authority, in pursuance of any power conferred upon it/him by Law.

14. The Licence shall be valid upto 31st December, 1980.

PLACE

(Licensing Authority).

DATE

FORM D

(See clause 16)

Return for the period.....Name....., Licence No

1. Name of Trade Articles.
2. Stocks at the beginning of day/week/fortnight/month/quarter
3. Stocks purchased or otherwise received during day/week/Fortnight/month/quarter.
4. Total

